

EXHIBIT G

Declaration of K. Scott Vowels (“Vowels Declaration”).

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATAMOTION TEXAS, LLC,

Plaintiff,

v.

COMERICA BANK, COMERICA
INCORPORATED, and COMERICA BANK
& TRUST, N.A.

Defendants.

Civil Action No. 2:15-cv-00894-JRG

**DECLARATION OF
K. SCOTT VOWELS**

I, K. Scott Vowels, declare as follows:

1. Unless indicated otherwise, the facts set forth herein are to the best of my knowledge and belief, and if called as a witness, I could and would testify competently thereto. I submit this Declaration in support of Defendants Comerica Bank, Comerica Incorporated, and Comerica Bank & Trust, N.A.'s (collectively "Comerica") Motion to Transfer Venue.

2. My title is Senior Vice President of IT Security at Comerica Incorporated. I am based out of Comerica's facilities in Auburn Hills, Michigan.

3. I understand that DataMotion Texas, LLC alleges that certain features of Comerica's secure email system infringe two of its patents, U.S. Patent Nos. 6,684,248 ('248 patent) and 8,447,967 ('967 patent").

4. Comerica's email encryption system is provided by a third-party supplier, Zix Corporation ("Zix").

5. Comerica had no role in the design, implementation, operation, or maintenance of the allegedly infringing feature of its secure email system that pertains to the '248 patent. The technology discussed in the '248 patent relates to a process that would occur, if at all, within the Zix Portal. The Zix Portal is a proprietary system that was designed, maintained, and operated by Zix without any participation by Comerica. Comerica employees have very little insight into the Zix Portal.

6. In this regard, Zix provided Comerica with some documentation that generally addresses the use, administration, and configuration of the secure email system and the allegedly infringing features. But those user and administration guides do not discuss the detailed

functionality of the Zix Portal. Nor do the user and administration guides describe how the Zix Portal or the allegedly infringing features were designed, implemented, or operate in more than general terms.

7. Nearly every document that Comerica has regarding the allegedly infringing features of the secure email system was provided by Zix. Those documents are merely specification sheets and user and administration guides. Comerica is not in possession of nor have control over detailed technical documents that pertain to whether or not the Zix system actually performs methods that infringe the asserted claims. That is Zix's proprietary information regarding the Zix Portal and its other systems, and Zix has withheld such documents from Comerica. The few general documents Comerica has regarding the secure email system are located in Auburn Hills, Michigan.

8. Regarding the allegedly infringing feature of the secure email system pertaining to the '967 patent, what is being accused is a Zix product/service that is deployed into Comerica's current email system and technique that works with the Zix appliances in our legacy email system.

9. In this regard, Zix provided Comerica with some documentation that generally addresses the use, administration, and configuration of that accused feature of the secure email system. But, those user and administration guides do not discuss the detailed functionality of the feature. The documents Comerica has are located in Auburn Hills, Michigan

10. At Comerica, information technology ("IT"), including the email system, is managed by a service company team based in Auburn Hills, Michigan. Comerica employees who have general knowledge of the of the secure email system's use and administration are

located in Auburn Hills, Michigan. These individuals include Derek Hay, Vice President of Destop Infrastructure System Administration, Jim Cavalier, Senior Vice President of Service Delivery and George Surdu Executive Vice President and Chief Technology Officer of Information Systems.

Executed on October 5, 2015

A handwritten signature in black ink, reading "K. Scott Vowels", written over a horizontal line.

K. Scott Vowels